IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7675 of 1992

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KANUBHAI S PATEL

Versus

STATE OF GUJARAT

Appearance:

MR PRADEEP PATEL for Petitioner

MR PR JOSHI AGP for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 22/09/2000

ORAL JUDGEMENT

This petition has been preferred by a workcharge Karkoon serving in the Irrigation Department of the Government, under apprehension that pursuant to the offence registered as CR.No.. I-237/84 at Himatnagar Police Station, wherein the petitioner is accused no.

13, the petitioner would be suspended from service. It is, therefore, prayed that the respondents be restrained from suspending the petitioner from service. It appears that the aforesaid offence being CR.No. I-237/84 has been registered in Himatnagar Town Police Station pursuant to the information given on 10th August, 1984, against some 16 accused persons. The accused are alleged to have committed offences punishable under sections 409, 411 and 114 IPC. The accused are alleged to have pilferaged and illegally disposed of the Government cement worth Rs. 1,50,000/-. This court (Coram : Mr. Justice N.B.Patel, as he then was), on 29th December, 1992, made the order as under :

> Rule. In view of afflux of long time between occurrence of the alleged incident and the passing of the suspension order, interim relief is granted in the same terms. It is clarified that there is no restraint against the transfer of the petitioner.

Hence, in view of the above order, and the passage of time, no further order is required to be made on this petition.

Petition is allowed in terms of interim order dated 29th December, 1992. Rule is made absolute. The parties shall bear their own costs.

(MS R.M.DOSHIT J)

JOSHI